

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**NOTICE OF PENALTIES INCURRED AND DUE
FOR VIOLATIONS OF LAWS AND RULES**

**PENALTY ASSESSMENT: U-101169
PENALTY AMOUNT: \$62,100**

**AVISTA CORPORATION
PO BOX 3727
SPOKANE, WA 99220-3727**

The Washington Utilities and Transportation Commission (Commission) believes that you have committed violations of Washington Administrative Codes (WACs) 480-90 and 480-100, which govern the business practices of gas and electric companies, respectively.

Revised Code of Washington (RCW) 80.04.405 allows penalties of \$100 for every such violation. Under this statute, each and every violation is considered a separate and distinct offense and, in the case of a continuing violation, each day the violation continues is considered a separate and distinct violation.

As a part of an investigation into Avista Corporation's general business practices, and specifically, the company's application of the rule of prior obligation, Commission staff identified a number of violations of WACs 480-90 and 480-100. As a result, the Commission hereby notifies you that it has assessed penalties against you in the amount of \$62,100 for the following 621 violations.

- Failure to properly apply the rule relating to residential service deposit requirements.
2 VIOLATIONS: WACs 480-90-113 and 480-100-113
- Failure to properly apply the rule of prior obligation.
573 VIOLATIONS: WAC 480-100-123(3)
- Failure to properly disconnect service.
8 VIOLATIONS: WAC 480-100-128(6)
- Failure to provide accurate billing statements.
38 VIOLATIONS: WACs 480-90-178(1) and 480-100-178(1)

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violations did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violations that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 80.04.405.

You have the right to present your request for review or mitigation at a hearing, but you are not required to do so. If you do, the Commission will review the evidence supporting your request in an informal hearing, called a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider your plea and notify you of his or her decision.

You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective December 14, 2010.



GREGORY J. KOPTA
Director, Administrative Law Division

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT U-101169

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

- 1. **Payment of penalty.** I admit that the violation occurred and enclose \$62,100 in payment of the penalty.

- 2. **Request for a hearing.** I believe that the alleged violation did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:

- 3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below, and
 - a) I ask for a hearing for a decision by an administrative law judge
 - OR b) I waive a hearing and ask for an administrative decision on the information I present directly above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: _____ [month/day/year], at _____ [city, state]

Name of Respondent (company) – please print

Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”